

**GEORGE BERRY, et al.,
Plaintiffs**

**HILLCREST FOODS, INC. and WAFFLE
HOUSE, INC.,
Defendants.**

ORDER

(i) “Defendants Hillcrest Foods, Inc. and Waffle House, Inc.’s Motion for Protective Order” (Document No. 32) and supporting memorandum (Document No. 33), both filed August 20, 2004 by Hillcrest Foods, Inc. (“Hillcrest Foods”) and Waffle House, Inc. (“Waffle House”); “Plaintiff’s Opposition to ... Motion for Protective Order” (Document No. 40), filed September 8, 2004 by George Berry, Pacion Lindsay, Antijuan Love and Antonia Love (collectively, the “Loves”); and “Defendants ... Reply Brief in Support” (Document No. 48), filed September 24, 2004 by Hillcrest Foods and Waffle House;

(ii) “Plaintiffs’ Motion for a Protective Order and to Quash Defendant Waffle House’s Subpoenas” (Document No. 39), filed September 8, 2004 by Mr. Berry, Mr. Lindsay and the Loves; “Defendant Waffle House, Inc.’s Opposition to Plaintiffs’ Motion” (Document No. 49), filed September 27, 2004 by Waffle House; and “Plaintiffs’ Reply in Support” (Document No. 59), filed October 12, 2004 by Mr. Berry, Mr. Lindsay and the Loves;

“Plaintiffs’ Supplemental Memorandum ...” (Document No. 76), filed April 11, 2005 by Mr. Berry, Mr. Lindsay and the Loves; and “Hillcrest’s Response to ... Supplemental Memorandum ...” (Document No. 78), filed May 4, 2005 by Hillcrest Foods;

(iii) “Plaintiffs’ Motion to Amend the Pretrial Order ...” (Document No. 42), filed September 16, 2004 by Mr. Berry, Mr. Lindsay and the Loves; “Defendants ... Memorandum of Law in Opposition ...” (Document No. 56), filed October 4, 2004 by Hillcrest Foods and Waffle House; “Plaintiffs’ Reply in Support ...” (Document No. 68), filed October 28, 2004 by Mr. Berry, Mr. Lindsay and the Loves; and the “Amendment to Plaintiffs’ Motion to Amend ...” (Document No. 73), filed December 9, 2004 by Mr. Berry, Mr. Lindsay and the Loves;

(iv) “Plaintiffs’ Motion to Quash ... Additional Subpoenas for ... Employment Records” (Document No. 43), filed September 17, 2004 by Mr. Berry, Mr. Lindsay and the Loves; “Defendant Opposition to Plaintiffs’ Motion ...” (Document No. 54), filed October 4, 2004 by Waffle House; and “Plaintiffs’ Reply in Support ...” (Document No. 60), filed October 15, 2004 by Mr. Berry, Mr. Lindsay and the Loves;

(v) “Plaintiffs’ Motion to Compel Complete Discovery Responses ...” (Document No. 44) and supporting memorandum (Document No. 45), filed September 17, 2004 by Mr. Berry, Mr. Lindsay and the Loves; “Defendants ... Memorandum of Law in Opposition ...” (Document No. 55), filed October 4, 2004 by Hillcrest Foods and Waffle House; “Plaintiffs’ Reply in Support ...” (Document No. 65), filed October 18, 2004 by Mr. Berry, Mr. Lindsay and the Loves; “Plaintiffs’ Supplemental Memorandum ...”

(Document No. 76), filed April 11, 2005 by Mr. Berry, Mr. Lindsay and the Loves; and “Hillcrest’s Response to ... Supplemental Memorandum ...” (Document No. 78), filed May 4, 2005 by Hillcrest Foods;

(vi) “Plaintiffs’ Third Motion to Quash ... Additional Subpoenas ... for Employment Records” (Document No. 46) and supporting memorandum (Document No. 47), filed September 24, 2004 by Mr. Berry, Mr. Lindsay and the Loves; the “Defendant ... Opposition to Plaintiffs’ Third Motion ...” (Document No. 57), filed October 11, 2004 by Waffle House; and “Plaintiffs’ Reply in Support” (Document No. 67), filed October 25, 2004 by Mr. Berry, Mr. Lindsay and the Loves;

(vii) “Plaintiffs’ Motion to Hold Purser Security Patrol Services, Inc. in Contempt ...” (Document No. 50) and supporting memorandum (Document No. 51), both filed September 30, 2004 by Mr. Berry, Mr. Lindsay and the Loves;

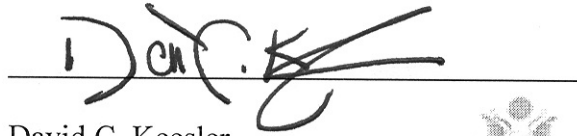
(viii) “Plaintiffs’ Motion for Sanctions for Defendants’ Insurance Representative Failing to Attend Mediation” (Document No. 52) and supporting memorandum (Document No. 53), both filed October 1, 2004 by Mr. Berry, Mr. Lindsay and the Loves; “Defendants Memorandum in Opposition ...” (Document No. 63), filed October 18, 2004 by Hillcrest Foods and Waffle House; and “Plaintiffs’ Reply Brief in Support ...” (Document No. 70), filed November 1, 2004 by Mr. Berry, Mr. Lindsay and the Loves.

IT IS HEREBY ORDERED THAT the parties hold a conference or conferences with respect to the pending discovery motions and file a report, jointly if possible, by **Monday, June 13, 2005**. The report to be filed shall set forth the outcome of such conference, including but not

limited to, a list of any of the above-listed pending motions that have been resolved by agreement of the parties and can therefore be dismissed as moot, and a list of any of the above-listed pending motions that are duplicative of other pending motions. The Court expects a good faith effort by the parties to resolve – or at least narrow – the outstanding discovery disputes and will not look favorably upon a party who refuses unreasonably to participate in this process.

A hearing on the remaining motions shall be held in front of the undersigned on **Wednesday, July 13, 2005**. The parties will be contacted by the Court with respect to the time of such hearing.

Signed: May 26, 2005

A handwritten signature in black ink, appearing to read "D.C. Keesler", is written over a horizontal line.

David C. Keesler
United States Magistrate Judge

